

**Senate Study Bill 1140 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON WORKFORCE BILL BY  
CHAIRPERSON DICKEY)

**A BILL FOR**

1 An Act relating to unemployment benefits and including  
2 effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 96.1A, subsection 18, unnumbered  
2 paragraph 1, Code 2023, is amended to read as follows:

3 "*Exhaustee*" means an individual who, with respect to any  
4 week of unemployment in the individual's eligibility period  
5 has received, prior to such week, all of the regular benefits  
6 that were available to the individual under **this chapter** or any  
7 other state law, including ~~dependents' allowances and~~ benefits  
8 payable to federal civilian employees and former armed forces  
9 personnel under 5 U.S.C. ch. 85, in the individual's current  
10 benefit year that includes such weeks. Provided that for the  
11 purposes of **this subsection** an individual shall be deemed to  
12 have received all of the regular benefits that were available  
13 to the individual, although as a result of a pending appeal  
14 with respect to wages that were not considered in the original  
15 monetary determination in the individual's benefit year the  
16 individual may subsequently be determined to be entitled to add  
17 regular benefits, or:

18 Sec. 2. Section 96.1A, Code 2023, is amended by adding the  
19 following new subsection:

20 NEW SUBSECTION. 43. "*Work search*" means any of the  
21 following:

22 a. Applying for a job by submitting a resume or application  
23 to a potential employer in person, through the mail, by  
24 electronic means, or by fax transmission.

25 b. Interviewing for a job virtually or in person.

26 c. Taking a civil service exam.

27 d. Taking a military aptitude exam.

28 Sec. 3. Section 96.3, subsection 4, Code 2023, is amended  
29 to read as follows:

30 4. *Determination of benefits.*

31 ~~a. With respect to benefit years beginning on or after July~~  
32 ~~1, 1983, an~~ An eligible individual's weekly benefit amount for  
33 a week of total unemployment shall be an amount equal to the  
34 following fractions of the individual's total wages in insured  
35 work paid during that quarter of the individual's base period

1 in which such total wages were highest. The director shall  
2 determine annually a maximum weekly benefit amount equal to  
3 the following percentages, to vary with the number of based on  
4 whether the individual has dependents, of the statewide average  
5 weekly wage paid to employees in insured work which shall be  
6 effective the first day of the first full week in July:

7 If the	The weekly	Subject to
8 number of	benefit amount	the following
9 dependents	shall equal	maximum
10 is:	the following	percentage of
11	fraction of high	the statewide
12	quarter wages:	average
13		weekly wage:
14 0	1/23	53%
15 1 <u>or more</u>	1/22	55% <u>57%</u>
16 2	<del>1/21</del>	57%
17 3	<del>1/20</del>	60%
18 <del>4 or more</del>	<del>1/19</del>	65%

19 b. The maximum weekly benefit amount, if not a multiple of  
20 one dollar, shall be rounded to the ~~lower~~ upper multiple of  
21 one dollar. ~~However, until such time as sixty-five percent of~~  
22 ~~the statewide average weekly wage exceeds one hundred ninety~~  
23 ~~dollars, the~~ The maximum weekly benefit amounts shall be  
24 determined using the statewide average weekly wage computed on  
25 the basis of wages reported for the current calendar year ~~1981~~.  
26 ~~As used in this section, "dependent" means dependent as defined~~  
27 ~~in section 422.12, subsection 1, paragraph "a", as if the~~  
28 ~~individual claimant was a taxpayer, except that an individual~~  
29 ~~claimant's nonworking spouse shall be deemed to be a dependent~~  
30 ~~under this section. "Nonworking spouse" means a spouse who does~~  
31 ~~not earn more than one hundred twenty dollars in gross wages~~  
32 ~~in one week.~~

33 Sec. 4. Section 96.4, subsection 3, Code 2023, is amended  
34 to read as follows:

35 3. a. The individual is able to work, is available for

1 work, and is earnestly and actively seeking work.

2 b. (1) A person shall be required, at a minimum, to meet  
3 the following requirements to be deemed earnestly and actively  
4 seeking work:

5 (a) If the number of available jobs is at or above sixty  
6 thousand, the person must complete a minimum of six work  
7 searches for each week the person applies for benefits.

8 (b) If the number of available jobs is at or above fifty  
9 thousand but below sixty thousand, the person must complete a  
10 minimum of five work searches for each week the person applies  
11 for benefits.

12 (c) If the number of available jobs is below fifty thousand,  
13 the person must complete a minimum of four work searches for  
14 each week the person applies for benefits.

15 (2) A work search shall not satisfy the requirements of this  
16 paragraph if the individual previously applied for the same  
17 position within the most recent four weeks.

18 (3) The department shall provide on a weekly basis to an  
19 individual applying for benefits a list of known available  
20 jobs within a fifty-mile radius of the applicant's residence  
21 in fields related to the employment the applicant had within  
22 the most recent ten years, in fields which the applicant  
23 has identified an interest, or that require skills that the  
24 applicant claimed to have when applying for benefits.

25 (4) At least half of the individual's work searches shall  
26 be from the list of known available jobs provided by the  
27 department pursuant to subparagraph (3).

28 (5) For the purposes of this paragraph, "the number of  
29 available jobs" means the number of jobs listed as available as  
30 published by the department on the first day of the previous  
31 month.

32 c. This subsection is waived if the individual is deemed  
33 partially unemployed, while employed at the individual's  
34 regular job, as defined in section 96.1A, subsection 37,  
35 paragraph "b", subparagraph (1), or temporarily unemployed

1 as defined in [section 96.1A, subsection 37](#), paragraph "c".  
2 The work search requirements of [this subsection](#) and the  
3 disqualification requirement for failure to apply for, or  
4 to accept suitable work of [section 96.5, subsection 3](#), are  
5 waived if the individual is not disqualified for benefits under  
6 [section 96.5, subsection 1, paragraph "h"](#).

7 ~~b. Notwithstanding any provision of [this chapter](#) to the  
8 contrary, the department may establish by rule a process to  
9 waive or alter the work search requirements of this subsection  
10 for a claim for benefits if an individual has a reasonable  
11 expectation that the individual will be returning to employment  
12 and is attached to a regular job or industry or a member in  
13 good standing of a union therein eligible for referral for  
14 employment. To be considered attached to a regular job or  
15 industry, an individual must be on a short-term temporary  
16 layoff. If work is not available at the conclusion of the  
17 layoff period due to short-term circumstances beyond the  
18 employer's control, the employer may request an extension  
19 of the waiver or alteration for up to two weeks from the  
20 department. For purposes of this paragraph, "short-term  
21 temporary layoff" means a layoff period of sixteen weeks or  
22 less due to seasonal weather conditions that impact the ability  
23 to perform work related to highway construction, repair, or  
24 maintenance with a specific return-to-work date verified by the  
25 employer.~~

26 Sec. 5. Section 96.4, Code 2023, is amended by adding the  
27 following new subsection:

28 NEW SUBSECTION. 8. The individual has completed one search  
29 activity each week from a list of permissible search activities  
30 as designated by the department. This shall be in addition  
31 to the requirements under subsection 3. A search activity  
32 shall only meet the requirements of this subsection if the  
33 individual has not previously performed that type of search  
34 activity during the individual's benefit year in order to  
35 remain eligible under this subsection. The department shall

1 adopt rules to implement this subsection. The department shall  
2 establish by rule sixteen different types of search activities  
3 acceptable to meet the requirements of this subsection.

4 Sec. 6. Section 96.6, subsection 2, Code 2023, is amended  
5 to read as follows:

6 2. *Initial determination.* A representative designated by  
7 the director shall promptly notify all interested parties to  
8 the claim of its filing, and the parties have ~~ten~~ fourteen  
9 calendar days from the date of issuance of the notice of the  
10 filing of the claim to protest payment of benefits to the  
11 claimant. All interested parties shall select a format as  
12 specified by the department to receive such notifications.  
13 The representative shall promptly examine the claim and any  
14 protest, take the initiative to ascertain relevant information  
15 concerning the claim, and, on the basis of the facts found  
16 by the representative, shall determine whether or not the  
17 claim is valid, the week with respect to which benefits shall  
18 commence, the weekly benefit amount payable and its maximum  
19 duration, and whether any disqualification shall be imposed.  
20 The claimant has the burden of proving that the claimant meets  
21 the basic eligibility conditions of [section 96.4](#). The employer  
22 has the burden of proving that the claimant is disqualified  
23 for benefits pursuant to [section 96.5](#), except as provided  
24 by [this subsection](#). The claimant has the initial burden to  
25 produce evidence showing that the claimant is not disqualified  
26 for benefits in cases involving section 96.5, subsections 10  
27 and 11, and has the burden of proving that a voluntary quit  
28 pursuant to [section 96.5, subsection 1](#), was for good cause  
29 attributable to the employer and that the claimant is not  
30 disqualified for benefits in cases involving section 96.5,  
31 subsection 1, paragraphs "a" through "h". Unless the claimant  
32 or other interested party, after notification or within ~~ten~~  
33 fourteen calendar days after notification was issued, files an  
34 appeal from the decision, the decision is final and benefits  
35 shall be paid or denied in accordance with the decision.

1 If an administrative law judge affirms a decision of the  
2 representative, or the appeal board affirms a decision of the  
3 administrative law judge allowing benefits, the benefits shall  
4 be paid regardless of any appeal which is thereafter taken,  
5 but if the decision is finally reversed, no employer's account  
6 shall be charged with benefits so paid and this relief from  
7 charges shall apply to both contributory and reimbursable  
8 employers, notwithstanding [section 96.8, subsection 5](#). The  
9 department shall by rule allow an employer to protest a payment  
10 of unemployment benefits and to protest and sign a notice of  
11 claim electronically using a form created by the department.

12 **Sec. 7. NEW SECTION. 96A.1 Definitions.**

13 For the purposes of this chapter:

14 1. "*Nonparticipating workforce rate*" means the portion of  
15 the population that is not employed or earnestly and actively  
16 seeking work as described in section 96.4, subsection 3.

17 2. "*Workforce term*" means the nonparticipating workforce  
18 rate, the state unemployment rate, or the number of known,  
19 available jobs in Iowa as published by the department of  
20 workforce development.

21 **Sec. 8. NEW SECTION. 96A.2 State publications —**  
22 **unemployment rates.**

23 1. When a state agency makes a reference to the state  
24 unemployment rate in an official written statement from the  
25 agency or in a report or other document that is published and  
26 available to the public, the agency shall include a reference  
27 to the nonparticipating workforce rate.

28 2. When the department of workforce development makes  
29 a reference to a workforce term in an official written  
30 statement or in a report or other document that is published  
31 and available to the public, the department of workforce  
32 development shall also reference each other workforce term.

33 **Sec. 9. EFFECTIVE DATE.** This Act takes effect January 1,  
34 2024.

35

**EXPLANATION**

1           The inclusion of this explanation does not constitute agreement with  
2           the explanation's substance by the members of the general assembly.

3           This bill relates to unemployment benefits.

4           The bill strikes language providing that an eligible  
5 individual's maximum weekly benefit amount varies with the  
6 number of the individual's dependents. The bill instead  
7 provides that an individual with dependents will have a weekly  
8 benefit amount of 1/22 the individual's highest gross quarterly  
9 salary during the individual's base period, subject to a  
10 maximum of 57 percent of the statewide average weekly wage.

11          The bill provides that the maximum weekly benefit amount for  
12 unemployment benefits shall be rounded to the upper multiple of  
13 \$1, rather than the lower multiple as provided under current  
14 law.

15          The bill requires a person applying for unemployment  
16 benefits to complete a specified number of work searches, based  
17 on the number of jobs listed as available as published by the  
18 department of workforce development (IWD) on the first day of  
19 the previous month, for each week the person is applying for  
20 benefits in order to be eligible for benefits. A work search  
21 shall not satisfy an individual's eligibility requirements if  
22 the individual previously applied to the same position within  
23 the most recent four weeks.

24          The bill defines "work search" as applying for a job by  
25 submitting a resume or application to a potential employer  
26 in person, through the mail, by electronic means, or by fax  
27 transmission; interviewing for a job virtually or in person;  
28 taking a civil service exam; or taking a military aptitude  
29 exam.

30          The bill requires that at least half of the work searches  
31 an individual uses to meet eligibility requirements must be  
32 from a list of known available jobs within a 50-mile radius  
33 of the individual's residence in fields related to employment  
34 the applicant held within the most recent 10 years, in fields  
35 which the applicant has identified an interest, or that require

1 skills that the individual claimed to have when applying for  
2 benefits. The bill requires IWD to provide the individual a  
3 list of these jobs on a weekly basis.

4 The bill requires a person applying for unemployment  
5 benefits to complete one search activity each week as  
6 designated by IWD in order to be eligible for unemployment  
7 benefits. The search activities are in addition to other  
8 work search requirements to receive unemployment benefits. A  
9 search activity shall only meet eligibility requirements if the  
10 individual has not previously performed that type of search  
11 activity during the individual's benefit year in order to  
12 remain eligible. The bill requires IWD to establish by rule 16  
13 different types of search activities acceptable to meet these  
14 requirements.

15 The bill strikes language allowing IWD to establish by  
16 rule a process to waive or alter the work search requirements  
17 for a claim for unemployment benefits if an individual has a  
18 reasonable expectation that the individual will be returning  
19 to employment and is attached to a regular job or industry on a  
20 short-term temporary layoff or a member in good standing of a  
21 union therein eligible for referral for employment.

22 The bill requires IWD to allow an employer to protest a  
23 payment of unemployment benefits and to protest and sign a  
24 notice of claim electronically using a form created by IWD.

25 The bill increases the periods for parties to protest  
26 payment of unemployment benefits to a claimant, and to file  
27 an appeal from a decision regarding the eligibility for, or  
28 amount or duration of, a claim for unemployment benefits to 14  
29 calendar days.

30 The bill requires that, when a state agency makes a reference  
31 to the state unemployment rate in an official written statement  
32 from the agency or in a report or other document that is  
33 published and available to the public, the agency shall include  
34 a reference to the nonparticipating workforce rate. The bill  
35 also requires that when IWD makes a reference to a workforce

1 term in an official written statement or in a report or other  
2 document that is published and available to the public, the  
3 IWD must also reference each other workforce term. The bill  
4 defines "nonparticipating workforce rate" as the portion of  
5 the population that is not employed or earnestly and actively  
6 seeking work. The bill defines "workforce term" as the  
7 nonparticipating workforce rate, the state unemployment rate,  
8 or the number of known, available jobs in Iowa as published by  
9 IWD.

10 The bill takes effect January 1, 2024.